

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

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B. GARY DAY,

Plaintiff,

v.

**WALTER EDWARD FRENCH, III;
CHRISTOPHER B. FRENCH; JOHN
FLORY; and JEROME SHORT,**

Defendants.

CIVIL ACTION NO.: 3:06-cv-260-MHT

REPORT OF PARTIES' PLANNING MEETING

1. Pursuant to Fed.R.Civ.P. 26(f), a meeting was held by counsel for the parties for the purposes of making the following report to the Court:

A. For The Plaintiff, B. Gary Day:

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B. For the Defendants, Christopher B. French and
Walter Edward French, III:

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C. For the Defendant, John Flory:

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D. For the Defendant, Jerome Short:

Kenneth L. Funderburk
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2. Pre-Discovery Disclosures. The parties will exchange by May 17, 2006 the information required by Fed.R.Civ.P. 26(a)(1).

3. Discovery Plan. The parties jointly propose to the court the following discovery plan:

Discovery will generally be needed on all aspects of the claims and damages alleged by the Plaintiff and regarding the insurance policy and claim which are the subject of this action.

All discovery commenced in time to be completed by February 1, 2007.

Maximum of 45 interrogatories by each party to any other party. Responses due 30 days after service.

Maximum of 45 requests for production of documents by each party to any other party. Responses due 30 days after service.

Maximum of 20 requests for admission by each party to any other party. Responses due 30 days after service.

Maximum of 8 depositions (excluding experts) by plaintiff and 8 by defendant unless otherwise agreed by the parties. Each deposition is limited to a maximum of 8 hours unless extended by agreement of the parties.

Reports from retained experts under Rule 26(a)(2) due:

from plaintiff(s) by November 15, 2006.

from defendant(s) by January 15, 2007.

Any party shall be allowed thirty days in which to identify rebuttal expert(s) following the identification of expert witness(es) by another party.

4. Other Items.

The parties do not request a conference with the court before entry of the scheduling order.

The parties request a pretrial conference in April, 2007.

Plaintiff shall be allowed until July 31, 2006 to join additional parties and amend the pleadings.

All potentially dispositive motions should be filed by February 7, 2007.

Settlement may be enhanced by the use of alternative dispute resolution procedures, but cannot be evaluated until the completion of discovery on February 1, 2007. Final lists of witnesses (excluding experts) and exhibits under Rule 26(a)(3) due by no later than 30 days prior to trial.

Parties shall have 14 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).

This action should be ready for trial by May 7, 2007, and at this time is expected to take approximately two days.


Defendants reserve the right to seek a stay of these proceedings and any necessary modification of the dates set forth in this report.

Date: April 14, 2006


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